

**Town of Kinderhook
Planning Board Workshop
3211 Church Street
Valatie, NY 12184
July 10, 2014**

Approved 11/13/2014

MINUTES

The workshop of the Town of Kinderhook Planning Board was held on Thursday, July 10, 2014, beginning at 7:02pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The workshop was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

A. Roll Call

Present:

Mary Keegan-Cavagnaro, Chairwoman
Andy Howard, Town Attorney
Peter Haemmerlein
Chris Simonsen
William Butcher
Dale Berlin
Jason Graham
Guy Rivenburgh
Nataly Dee, Secretary

Excused:

Jake Samascott
Daniel Weiller
Patrick Prendergast, Engineer

Absent:

None

B. Correspondence

1. Review of Minutes:

June 12, 2014 – Workshop
June 19, 2014 – Meeting

Minutes are pending approval at next week's meeting.

C. Public Hearings

None

D. Old Business

1. ELLE-KAZ, County Route 28, Niverville – Major Subdivision;

Mr. Better, council representing the applicant, addressed the board. He noted Mr. Prendergast's letter regarding the deep hole test results were adequate. Confirmation was also received from the Department of Environmental Conservation acknowledging the Notice of Intent for Storm Water Management and Erosion Control and Sediments Plans. Mr. Better addressed the conditions of approval for the project. He asked if the board had additional questions following the Public Hearing last month. Mr. Better offered that the applicant would post a security bond for all of the necessary improvements and the "de-duplexization" of the three existing duplexed houses within an allowable time frame for that work to occur. Driveways will have to be removed and the new private road with access drives will have to be constructed. A list of improvements will be drawn up with an agreeable dollar figure for the bond. The one issue still pending is final approval from the County Highway Department regarding the changes that were made to the shoulder apron/pull off leading to the proposed private road. It was noted that Mr. Knox has been on vacation and has not been able to submit final approval. Mr. Better offered that matter could be made a condition of approval, noting that they made the changes as recommended by the Department and sees the approval as a formality. The applicant is in the process of securing a bond, the amount and time frame need to be agreed upon. They would like to bond the entire project as one. The Building Department would be granted permission to inspect the work. It was noted that 3 houses have two tenants; there are no leases, they are month to month. Once approval was granted, seasonal work would begin, driveways, etc. Evictions, if necessary, would also commence. What is the certainty that once the maps are stamped that they are not taken down to the county and filed prior to the work being completed? A notation will be put on map to the fact that the duplexes need to be converted to single family homes prior to sale. Mr. Simonsen asked if there was a proposed dollar figure for the road work. There is none as yet, but before the next meeting a dollar figure will be supplied and agreed upon by the Town Engineer.

Mr. Howard offers that the bond would be an open bond so the town would be protected. The reasonable time frame to complete the work would need to be established.

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Mr. Simonsen asked Mr. Kazer if he foresees a problem in removing his tenants. Mr. Kazer stated that he has never had to do it before, but does not anticipate a problem. He would like to give them as much notice as possible. He did not think any of them would be in the position to buy one of the properties. He noted the three addresses that are currently duplexed: 485, 495 and 501 County Route 28. 505 County Route 28 and 5 Orinsekwa Rd are already single family homes. Conversion of the duplexes to single family homes ideally will be done one at a time.

Ms. Keegan-Cavagnaro addressed the wetlands and inquired whether the approvals from the DEC had been received. Mr. Andrew Didio, Taconic Engineering, stated that when the deep tests were conducted, it was agreed by Mr. Prendergast, that they are so far from the 100' buffer of the DEC wetlands that, typically, unless you are going to impact the wetlands with fill or the adjacent area you don't need a response from the DEC. Mr. Howard also agreed, noting they are showing where the disturbance will be.

Mr. Howard addressed the issue of removing the tenants in regard to starting the work. Removal of a kitchen would impact tenancy. Mr. Howard inquired about the proposed vacant land lots with regard to ownership. Mr. Kazer noted that the land is held in a sub chapter S corporation. Mr. Howard noted that an additional condition of approval could be the removal of that holding. Mr. Better stated that he would prefer that that not be tied to the bond so that if a buyer wished to purchase one of the vacant lots they could do so.

The time frame for completing the work was discussed. There is the potential for evictions, the conversions need to be made, driveways need to be eliminated, and the road needs to be constructed. Given these factors, it was decided that 9 months was a reasonable and agreeable amount of time: April 1, 2015. The administrative issue of setting such a date was discussed with note made to inspections by the Building Department, etc. Once the lots are created the properties are essentially out of code and a termination date needs to be established. Notes on the map will stipulate that the duplexed lots will be conveyed with single family homes. Conveyance of the other lots could occur prior to the "de-duplexation" of the three lots.

From the engineering standpoint, it was noted that changes have been made to the drainage. Notes regarding depth of basements where needed will be added to the maps.

Mr. Better will supply Mr. Howard with language for a private road maintenance agreement for review.

Mr. Prendergast has requested \$500 escrow for review and inspection of the private drive.

2. John Brosen, Hennett Road, Kinderhook - Minor Subdivision;

Mr. Brosen was not in attendance to represent his application.

3. Ann Hamilton, 15 Pin Oak Drive, Kinderhook - Minor Subdivision;

No one was in attendance to represent this proposal.

E. New Business

1. Robert & Maryanne Broderick, 3 Rose Street, Niverville – Minor Subdivision;

Ms. Keegan-Cavagnaro recused herself from the proceedings. Mr. Haemmerlein stepped in as Vice-Chair.

Lawrence R. Cavagnaro addressed the board and distributed plans. An application was submitted. The property is on the corner of Rose (formerly Lake Ave) and Camp Hawley Rd. The parcel is 135 acres and they would like to subdivide into two parcels. There are surveys from 1911, 1950, 1988. The proposed lots are just shy of permissible acreage for two lots. They are shy by about 600 sq ft for each lot to make the required 30,000 sq ft. Mrs. Broderick explained the history of the property and how the lots came to be one. It was noted that it is currently a heavily wooded lot. Note was made to the abandoned road which could potentially be reclaimed to add to the parcel, though it is not included on the deed.

The applicant was asked if there was a neighbor who would be willing to sell a small piece of land to bring the parcel up to a size that would conform. The applicants thought that possibility does not exist.

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Mr. Howard offered if they could not meet the 30,000 sq ft there are two options: they could seek a variance from the ZBA; or given a review of the Town's Highway records, an updated survey might recognize additional land that would put the parcel into compliance. Regardless, an updated survey needs to be conducted. We would need to confirm that the town has not retained any right of way to that road.

Mrs. Cavagnaro stated that even with that additional land, they may still need a variance due to lot width. They would meet the required setbacks. If the proposal was drawn up on subdivision map it will be well defined what the variance(s) would be. Once that is done the board could determine whether they needed to reject the application and refer the applicant to the ZBA.

The applicant inquired as to would it be better to split the difference between the two lots or make one conforming lot and apply for one variance for one lot. That would be a decision for the ZBA.

The applicant has not yet contacted the Health Department for approval of well and septic. The plans should include the location of wells and septic of adjacent parcels.

Ms. Keegan-Cavagaro rejoined the board.

2. Tim Sullivan, 84 Ottoville Road, Niverville – Minor Subdivision;

Mr. Sullivan was not in attendance to represent his proposal.

3. Ray Neves, 101 McCagg Road, Valatie – Accessory Apartment

Mr. Haemmerlein recused himself from the proceedings.

Mr. Neves addressed the board about the possibility of building an accessory apartment on his property. The property is a 36 acre parcel on McCagg Road. He provided some sketches for the board to review. Mr. Neves explained that the apartment would be accessed by the main house via a breezeway and it would also have its own entrance. It was recommended that Mr. Neves review the code, specifically section 250-30. Some of the specifications were reviewed with particular note to the minimum size requirements, no less than 400 sq ft; Mr. Neves indicated that the proposed structure would be single story of approximately 750 sq ft. Mr. Howard informed the applicant that the board would need to see a site plan which would confirm the location of wells, septic, and setbacks. There are no other dwelling units on the property. It was noted that the permitting process allows for a two year permit after which the permit would need to be renewed. Mr. Butcher inquired about the septic, kitchens and bathrooms. The Department of Health should be consulted to confirm the project is acceptable to their standards.

Mr. Neves inquired about the time frame of the process. He was informed that a Public Hearing would need to be scheduled.

4. Napa Auto Parts, 2880 US Rte 9 – Storage Building (33.-1-67) 2.4 acres

Phil Moldoff of Prudence Properties addressed the board. Mr. VanAlstyne also addressed the board to represent the proposal. He distributed plans for the board's review. He noted that there was previous approval for a 5,600sq' storage structure which was never built. The new proposal is for a 2,800 sq ft building. The proposed building would be of steel construction. The original approval was 8-10 years ago. The proposed use is for auto repair and the building would have 5 bays for that purpose. The area is zoned B1. In an effort to retain as much green space as possible, it is proposed that the parking be in the rear, which would also be further obscured by the existing Napa building. Further discussion of the proposed parking ensued. It was noted that they would share the same well. It was inquired as to whether the Department of Health would need to be consulted for the increased load to the septic system.

Mr. Simonsen inquired about the traffic volume and anticipated increase. The applicant noted that at the current location there are approximately 20-30 trips per day, many of which are deliveries. The proposed addition would perhaps double that use. The matter of signage was addressed. The applicant stated that whatever the code would allow; probably nothing out front on the road, but certainly something on the building.

Based on the dimensions of the building there is concern regarding the height of the roof. The walls need to be 14' high to accommodate the lifts. The roof height on a cape-cod style building would be 31'. Walls need

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to be 14' high to accommodate lifts. It was suggested they consider a hip roof which allows for a 4 and 12 roof and would lower the overall height.

Additionally, it was noted that the driveway is a shared driveway owned by residents in the rear. There are currently no restrictions concerning volume of use nor a maintenance agreement in effect.

Mr. Butcher asked about retail space in the repair shop. Further discussion of the proposed footage of the interior and implications of such on exterior parking ensued. The discussion also included the number of spaces available at the Napa store. The code stipulates 1 parking space for every 100 sq ft of customer floor area. The discussion centered around what the actual size of the customer area would be and to try to determine an appropriate number of spaces based on the actual need and use. It was noted that the proposed retail area would be 140 sq ft. Mr. Howard offered that based on the proposed use, the project is more analogous to industrial use regulations which calls for 1 parking space for every 400 sq ft and one space per employee. There was also a discussion of the drainage on the site and if some modifications would need to be made. The matter may need additional consideration.

The applicant will take this information under advisement in continuing to develop their proposal and will return at a later date. It was suggested they review the design standards in the code.

Mr. Haemmerlein returned to the board.

F. ZBA Opinions

None.

G. Liaisons

1. Village Planning Boards: The liaison noted there was nothing new to report.
2. Town Board: The Town Board meets next week.
3. NYSEG Project: Mr. Simonsen will provide an update next week.

H. Other

1. Public Comment

A motion to adjourn was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; meeting adjourned at 8:36pm.

Respectfully Submitted,

Nataly Dee, Secretary